

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

| | | |
|---|---|----------------------|
| In the Matter of: |) | |
| |) | |
| Review of the Emergency Alert System; |) | |
| |) | |
| Independent Spanish Broadcasters |) | EB Docket No. 04-296 |
| Association, the Office of Communication |) | |
| Of the United Church of Christ, Inc., and the |) | |
| Minority Media and Telecommunications |) | |
| Council, Petition for Immediate Relief |) | |

To: David S. Turetsky
Chief, Public Safety and Homeland Security Bureau

PETITION FOR TEMPORARY WAIVER

Pursuant to Sections 1.3 and 11.52(d)(4) of the Commission's rules and the waiver standard set forth in the *EAS Fifth Report and Order*,¹ Comcast Cable Communications, LLC, on behalf of its subsidiaries and affiliates ("Comcast" or the "Company"), hereby seeks temporary relief from Section 11.56 of the Commission's Emergency Alert System ("EAS") rules² for a handful of its smallest, most remote cable systems (the "Remote Systems")³ serving less than two tenths of one percent (0.2%) of Comcast's total subscribership.⁴ The Remote Systems require a six (6) month extension from the June 30, 2012 deadline for receiving EAS alerts

¹ 47 C.F.R. § 1.3; 47 C.F.R. § 11.52(d)(4); *Review of the Emergency Alert System*; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc. and the Minority Media and Telecommunications Council, Petition for Immediate Relief, *Fifth Report and Order*, 27 FCC Rcd. 642, ¶ 152 (2012) ("*EAS Fifth Report and Order*").

² 47 C.F.R. § 11.56.

³ The Remote Systems are identified in Appendix A.

⁴ The Remote Systems serve less than 37,000 subscribers or just 0.16% of Comcast's total subscribership. Many of these stand-alone systems have fewer than 100 subscribers.

formatted with Common Alerting Protocol (“CAP”) because they currently lack the physical broadband Internet access necessary to receive CAP-formatted alerts.

Comcast is *not* seeking a permanent waiver in this Petition, and the Company remains committed to full compliance with the new CAP specifications. To address its smallest, most remote cable systems, Comcast is aggressively pursuing an innovative plan to bring the Remote Systems into CAP compliance through a satellite-based delivery mechanism, and it is doing so notwithstanding the substantial “per subscriber” implementation costs associated with that plan. Although Comcast has already made significant progress implementing this multi-step process, completion is not feasible by the June 30, 2012 compliance deadline. The requested relief will allow Comcast to establish the connectivity necessary at each of the Remote Systems for the proper functioning of recently acquired CAP-capable equipment.⁵

Comcast appreciates the importance of a robust and effective mechanism for alerting the public of emergency situations, and it has worked diligently toward successfully bringing all of its cable systems into compliance with the Commission’s new CAP requirements. More than 99.8% of Comcast’s subscribers should be fully capable of receiving the CAP-enhanced warning messages by the June 30, 2012 compliance deadline. The Remote Systems at issue here serve only a tiny percentage (0.16%) of Comcast’s total subscribers.

Importantly, the relief sought here will not deny any Comcast subscribers access to EAS alerts. Subscribers to Comcast’s Remote Systems already have access to timely and effective emergency warnings through legacy EAS equipment, and Comcast will continue to operate its legacy EAS equipment at the Remote Systems.

⁵ Although Comcast is now pursuing a satellite-based solution, it is not in a position to determine whether this option would be viable for other cable operators.

I. THE REMOTE SYSTEMS DO NOT CURRENTLY HAVE BROADBAND INTERNET ACCESS

In its *EAS Fifth Report and Order*, the Commission identified broadband Internet as the “primary method for distributing CAP messages.”⁶ The Commission further recognized that “the physical availability of broadband Internet access would be a physical predicate for compliance with the requirement that EAS Participants be able to receive CAP-based alerts.”⁷ Recognizing that some cable systems would be unable to promptly achieve CAP-capable connectivity, the Commission expressly authorized a waiver process and concluded that “the physical unavailability of broadband Internet service offers a presumption in favor of a waiver.”⁸

Comcast respectfully submits that there is “good cause” under Section 1.3 of the Commission’s Rules and the *EAS Fifth Report and Order* for the Commission to grant the temporary relief requested here.⁹ As noted above, each of the Remote Systems currently lacks the broadband Internet connectivity that the Commission has recognized as a “predicate” for CAP capability.¹⁰ Given this recognition on the Commission’s part, it is clearly in the public interest to provide sufficient time for Comcast to explore and implement a reliable means of achieving CAP connectivity.

⁶ *EAS Fifth Report and Order*, ¶ 152.

⁷ *Id.*

⁸ *Id.*

⁹ Pursuant to 47 C.F.R. § 1.3, the Commission may waive its rules for good cause shown. *See, e.g., Northeast Cellular Tel. Co. L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (underscoring that the “FCC has authority to waive its rules if there is ‘good cause’ to do so”).

¹⁰ A few of the Remote Systems currently lacking broadband Internet access might be able to gain broadband Internet access through third party-provided DSL connections. Comcast has determined, however, that it is preferable on an enterprise level for all of its very small systems currently lacking broadband Internet connectivity to achieve that connectivity on a consistent basis for EAS purposes through a single satellite-based delivery mechanism.

Over the last several months, Comcast has worked with several of the nation's largest vendors of CAP-compliant EAS equipment (including Monroe Electronics and Trilithic) to determine the best means of delivering CAP-formatted messages to remote cable headends that currently do not have broadband Internet access. With their assistance, Comcast has concluded that "dial-up" connectivity (even if available) lacks sufficient capability for CAP reception, and that wireless Internet access might not be sufficiently reliable, given the remote locations of the Waiver System headends and the potential risk of wireless service disruption during major emergencies. Comcast has also learned that certain satellite-based options might not afford the high availability uptime and data thresholds necessary for reliably monitoring critical EAS alerts.

However, Comcast has been advised by its existing EAS equipment vendors that certain VSAT satellite options should provide the necessary two-way connectivity with sufficiently scalable bandwidth and the consistent availability necessary for reliable EAS monitoring. As a result, Comcast is now actively exploring the satellite communications system offered by Communications Laboratories, Inc. ("Comlabs"). Comlab's Emergency Management Communications Network ("EMnet") was developed to serve state and municipal government operation centers, as well as police, fire, broadcasters, hospitals and other critical organizations with emergency communications. It is currently operational in multiple states. Comcast is working with Comlabs to determine the viability of EMnet as a means to deliver CAP-formatted EAS messages to cable headends that currently do not have broadband Internet access. Comlabs has now reported to Comcast that its testing indicates that EMnet is compatible with the CAP-compliant EAS equipment Comcast has purchased for its cable headends.

The contracting, provisioning, and installation process for VSAT links takes time. Equipment must be manufactured and put into service at each headend. This requires site-specific

surveys, as well as installation and testing activities at each headend by both Comcast and third-party vendors.¹¹ Comcast has been advised that these activities cannot be completed by the June 30th deadline and that several additional months will be required. Accordingly, Comcast is seeking a six (6) month extension to ensure that it has achieved sufficient connectivity at each of the Remote Systems to reliably receive CAP-formatted EAS alerts. Comcast assures the Commission, however, that the Company is proceeding expeditiously and hopes to achieve the necessary connectivity at each of the Remote Systems prior to the expiration of the requested extension.

II. THE REMOTE SYSTEMS ALL HAVE FULLY OPERATIONAL LEGACY EAS EQUIPMENT

In the *EAS Fifth Report and Order*, the Commission noted that cable systems operating under a waiver ordinarily “would be required to continue to operate its legacy EAS equipment.”¹² As previously explained, Comcast recognizes the importance of providing timely and effective emergency warnings to its subscribers. Even the smallest of the cable systems at issue here has fully operational legacy EAS equipment. Comcast intends to operate its legacy EAS equipment at all of the Remote Systems listed in Appendix A.

CONCLUSION

Good cause exists for the Commission to grant temporary relief to the smallest and most remote of Comcast’s cable systems from the new requirements of Section 11.56 of the Commission’s Rules. Although Comcast continues to work diligently to bring all of its cable systems into CAP compliance, broadband Internet connectivity is not currently available at the Remote Systems. These locations (serving just 0.16% of Comcast’s total subscribers) do,

¹¹ As noted earlier, this satellite-based solution involves significant costs.

¹² *EAS Fifth Report and Order*, ¶ 152.


however, already have access to emergency warnings through legacy EAS equipment, and Comcast will maintain that access.

Respectfully submitted,

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Its Attorneys

June 20, 2012

Appendix A

| Waiver System Headend | PSID# | CUID# | Subscriber # |
|---|--------|--|--------------|
| 1009 Laventé St, Dauphin Island, AL 36528 | 014470 | AL0315 | 780 |
| 2650 Mt. Moriah Rd, Memphis TN, 38115 | 006301 | AR0262, AR0263, AR0655 | 355 |
| 8499 E. Toews Road, Planada, CA 95365 | 011355 | CA1157 | 65 |
| 14181 E. Jefferson, Le Grand, CA 95333 | 001901 | CA1245 | 55 |
| Shed behind #18 River Bend Dr (Tower Park), Lodi, 95240 | 003724 | CA1432 | 3 |
| 720 Tyler Ave., Kremmling, CO 80459 | 007652 | CO0087 | 94 |
| 5505 Pinewood Drive, Palm Bay, FL 32905 | 006666 | FL0404 | 105 |
| 392 N Temple Ave., Starke, FL 32091 | 004779 | FL0523, FL0042 | 930 |
| 40 E Main St., Lake Butler, FL 32025 | 006324 | FL0574, FL0909 | 281 |
| 520 Union St., Crescent City, FL 32112 | 008548 | FL0594, FL0595, FL0907 | 2,625 |
| 107 E Cockran St., Hastings, FL 32245 | 008551 | FL0612 | 126 |
| 214 Northwest 4th Ave., Trenton, FL 32693 | 008554 | FL0684 | 237 |
| 111 Oakdale, St. Mayo, FL 32066 | 000756 | FL0695 | 100 |
| Snake Pen Road, Lakeport, FL 33471 (off Old Lakeport Rd NW) | 012332 | FL0755 | 457 |
| 1846 Hamilton Dr., Jennings, FL 32053 | 005408 | FL0757 | 46 |
| 832 Southwest 159th Ave, Archer, FL 32618 | 002567 | FL0777 | 121 |
| 15201 NE 142nd St., Waldo, FL 32694 | 012659 | FL0908 | 102 |
| 805 Highway 27, Moore Haven, FL 33471 | 012333 | FL0977 | 88 |
| 7475 Jefferson Rd., Riverdale, FL 32092 | 013557 | FL1091 | 131 |
| 1260 Halcyondale Road, Sylvania, GA 30467 | 006829 | GA0140, GA0514 | 1,002 |
| Ballpark Road, Soperton, GA 30457 | 006806 | GA0142, GA0644 | 535 |
| 921 Hwy 128 Bypass, Montezuma, GA 31068 | 006827 | GA0167, GA0163, GA0519 | 914 |
| Hwy 144 and Cemetary Road, Glennville, GA 30427 | 008010 | GA0181, GA0643 | 584 |
| 167 Burt Lumber Road, Washington, GA 30673 | 008012 | GA0187, GA0522 | 1,127 |
| 1166 Pine Grove Rd., Tallapoosa, GA 30176 | 008013 | GA0189, GA0527, GA0967 | 685 |
| West Carver Street, Mt. Vernon, GA 30445 | 000543 | GA0228, GA0229, GA0230, GA0231, GA0232, GA0233 | 956 |
| 100 Bohannon Rd., Grantville, GA 30220 | 006161 | GA0288, GA0289, GA0997 | 6,365 |
| 4627 County Rd. 16, Paulding, MS 39348 | 015678 | GA0305 | 376 |
| 1202 Funderburg Road, Monticello, 30164 | 008982 | GA0326, GA0327 | 273 |
| 4565 Bostic Mill Road, Louisville, GA 30434 | 008150 | GA0342, GA0343, GA0344, GA0345, GA0346 | 1,577 |
| Kent Lane Wrightsville, GA 31096 | 005064 | GA0347, GA0348 | 455 |
| 400 N Okefenokee, Folkston, GA 31537 | 005033 | GA0352, GA0353, GA0354 | 419 |
| 107 James St. Nahunta, GA 31556 | 005036 | GA0372 | 56 |
| Old Swainsboro Road, Twin City, GA 30471 | 008149 | GA0418, GA0642 | 188 |
| South Church Street Ext., Adrian, GA 31002 | 008151 | GA0422, GA0433 | 43 |
| 714 Railroad Street, Warrenton, GA 30828 | 008889 | GA0465, GA0466, GA0641 | 48 |
| 218 Dawkins Street, Lincolnton, GA 30817 | 010854 | GA0512, GA0513 | 254 |
| 1357 Little New York Rd., Whitesburg, GA 30185 | 013301 | GA0703, GA0704 | 29 |
| 218 B Harper Road, Mt. Zion GA 30117 | 021469 | GA0801, GA0802, GA0974 | 130 |
| 8 Church Street, Newborn, GA 30056 | 012154 | GA0808, GA0806, GA0807, GA0809 | 329 |

Appendix A

| Waiver System Headend | PSID# | CUID# | Subscriber # |
|---|--------|--|--------------|
| 722 Kings Road, Colonel's Island, GA 31320 | 012636 | GA0844 | 64 |
| Rt1 Box 9800 Hwy 82, Waynesville, GA 31566 | 014566 | GA0845 | 0 |
| 220 N. A Street, Monmouth, IL 61462 | 003330 | IL0117, IL1657 | 1,287 |
| 302 West Peoria Street, Piper City, IL 60959 | 006564 | IL0213 | 50 |
| 2580 E. County Road, Newman, IL 61942 | 012709 | IL0906, IL090, IL098 | 78 |
| 102 S Johnson Street, Newark, IL 60541 | 011619 | IL1162, IL1161 | 37 |
| 12808 Main Street, Gilliam, LA 71029 | 13331 | LA0236, LA0082, LA0341, LA0458, LA0459, TX1114, TX2437, TX2438 | 20 |
| 264 S Bohemia Ave, Cecilton, MD 21913 | 012590 | MD0333, MD0334, MD0335, MD0336 | 143 |
| 330 Water St., Waldron 49288 | 013445 | MI1706, MI2024 | 39 |
| 400 Jackson Ave., Edwards, MS 39066 | 008321 | MS0177, MS0257 | 91 |
| 203 Bolton/Brownsville Road, Bolton, MS 39041 | 010370 | MS0256 | 36 |
| 1201 Ashley Street, Puckett, MS 39151 | 012614 | MS0407, MS0408 | 41 |
| 101 Fire Tower RD. , Burrville, TN 37872 | 008637 | TN0607, TN0103, TN0146, TN0153, TN0154, TN0297, TN0298, TN0377 | 6,626 |
| Heartbreak Trail, Red River, NM 87558 | 007320 | NM0006 | 248 |
| 1000 Summit, Springer, NM 87729 | 007319 | NM0050 | 162 |
| 3201 Railroad, Hatch, NM 87937 | 004601 | NM0093 | 170 |
| 251 Maxwell Road, Cimarron, NM 87714 | 008360 | NM0107 | 108 |
| 15 Chamisa Road, Pecos, NM 87552 | 009183 | NM0113 | 372 |
| Panorama Way, Angel Fire, NM 87710 | 009184 | NM0117 | 321 |
| Highway 522 behind Elementary School, Questa, 87556 | 009185 | NM0119 | 133 |
| Bruceton Road, Markleysburg, PA 15459 | 000077 | PA1296, PA1297, PA1298, PA1316, PA1618, PA2436, PA3350, WV0679, WV1161 | 791 |
| 106 Williams Drive, Cathoun Falls, SC 29628 | 010852 | SC0300, SC0299 | 212 |
| Box 15 Hwy70, Woodbury, TN 37190 | 005765 | TN0221, TN0222 | 416 |
| 5515 Coleytown Rd., Westmoreland, TN 37186 | 004190 | TN0256 | 137 |
| 109 E. Main St., Adams, TN 37010 | 016219 | TN0652, TN0653 | 85 |
| 4481 Broad St., Vanleer TN, 37181 | 016221 | TN0655, TN0656, TN0657 | 54 |
| 1230 Greenbrier Rd, Ashland City, TN 37015 | 014128 | TN0669, TN0617, TN0618 | 48 |
| 2291 Venter Rd, Aylett, VA 23009 | 014148 | VA0566 | 110 |
| 4629 Blue Ridge Drive, Brookneal, VA 24528 | 010961 | VA0389 | 197 |
| 69 Rockbridge Way, Goshen, VA 24439 | 015644 | VA0554 | 22 |
| Rt 20, Hot Springs, VA 24445 | 009494 | VA0200 | 72 |
| 1 Cable Ln, Amelia Court House, VA 23002 | 012468 | VA0483 | 215 |
| Highway 15 and S. R. 631, Dilwyn, VA 23936 | 012467 | VA0482, VA0493 | 141 |
| 660 Munford Rd, Providence Forge, VA 23140 | 012306 | VA0481 | 275 |
| 3814 Wayside Dr., Stuart, VA 24171 | 010576 | VA0337, VA0338 | 354 |
| 577 Nevil Rd., Winlock, WA 98596 | 007882 | WA0179 | 122 |
| Tree Farm, Ryderwood, WA 98581 | 007886 | WA0233 | 43 |
| 258 Mossyrock Rd. Suite C, Mossyrock, WA 98564 | 008646 | WA0327 | 110 |
| 108 Front St., Mineral, WA 98355 | 010564 | WA0402 | 23 |
| Route 50, City Water Tower, Augusta, WV 26704 | 009467 | WV0620 | 46 |
| Buffalo St, Rowlesburg, WV 26425 | 003592 | WV0157, WV0608 | 83 |
| Route 1 Box 11a, Springfield, WV 26763 | 020329 | WV1281 | 15 |
| | | | |

DECLARATION OF STEVEN A.DIDOMENICO

I, Steven A.DiDomenico, declare under penalty of perjury that:

1. My business address is One Comcast Center, 1701 John F. Kennedy Boulevard, Philadelphia, PA 19103.
2. I am the Director – Core Video Systems for Comcast Cable Communications, LLC (“Comcast”). In that capacity, I am the Emergency Alert System (“EAS”) technical leader, and I share responsibility for Comcast’s EAS operations, including compliance with the new Common Alerting Protocol (CAP) requirements.
3. I have worked in cable television engineering for over 15 years. First as an employee of Motorola Mobility, and then with Comcast. I have been employed at Comcast for over seven years. I am knowledgeable in many cable-related technical matters, including EAS.
4. With my colleagues, I have explored options to gain CAP-reception capability at Comcast’s small, remote cable systems that currently lack broadband Internet connectivity.
5. I have read the foregoing Petition for Temporary Waiver and accompanying attachment (“Petition”). I am familiar with the contents thereof and the matters referred to therein, including references to Comcast’s discussions with outside vendors regarding CAP-reception capabilities and potential VSAT solutions, as well as references to Comcast’s current and future use of legacy EAS equipment. The facts contained within the Petition are true and correct to the best of my knowledge, information and belief.

Date

6/1/12

Steven A. DiDomenico
Steven A. DiDomenico
Director – Core Video Systems
Comcast Cable